

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
In re: Daily Harvest, Inc. : 22cv5987 (DLC); 23cv1607 (DLC);
Products Liability Litigation : 23cv1617 (DLC); 23cv1620 (DLC);
: 23cv1627 (DLC); 23cv1633 (DLC);
: 23cv1640 (DLC); 23cv1643 (DLC);
----- X : 23cv1648 (DLC); 23cv1649 (DLC);
: 23cv1651 (DLC); 23cv1653 (DLC);
: 23cv1658 (DLC); 23cv1659 (DLC);
: 23cv1660 (DLC); 23cv1662 (DLC);
: 23cv1663 (DLC); 23cv1664 (DLC);
: 23cv1666 (DLC); 23cv1668 (DLC);
: 23cv1672 (DLC); 23cv1673 (DLC);
: 23cv1681 (DLC); 23cv1683 (DLC);
: 23cv1686 (DLC); 23cv1688 (DLC);
: 23cv1692 (DLC); 23cv1694 (DLC);
: 23cv1703 (DLC); 23cv1705 (DLC);
: 23cv1709 (DLC); 23cv1712 (DLC);
: 23cv1713 (DLC); 23cv1718 (DLC);
: 23cv1721 (DLC); 23cv1725 (DLC);
: 23cv1727 (DLC); 23cv1732 (DLC);
: 23cv1734 (DLC); 23cv1736 (DLC);
: 23cv1737 (DLC); 23cv1740 (DLC);
: 23cv1741 (DLC); 23cv1742 (DLC);
: 23cv1743 (DLC); 23cv1744 (DLC);
: 23cv1745 (DLC); 23cv1748 (DLC);
: 23cv1750 (DLC); 23cv2038 (DLC);
: 23cv2466 (DLC); 23cv2607 (DLC)

ORDER

DENISE COTE, District Judge:

In a letter of April 7, plaintiffs alerted the Court to a possible issue regarding parallel arbitration and litigation proceedings. On April 10, the parties in these cases were ordered to show cause by April 21 why an Order regarding discovery between plaintiffs and Daily Harvest, Inc. ("Daily Harvest") should not be issued. On April 20, the plaintiff in

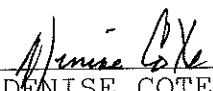
the lead case in this litigation, Albright, submitted a letter noting that Daily Harvest's and plaintiffs' counsel had conferred regarding the Court's proposed Order and did not object to entry of the Order. Accordingly, it is hereby

ORDERED that where defendant Daily Harvest has a right to arbitration as described in the Opinion of November 10, 2022 issued in Peni v. Daily Harvest, Inc., 22cv5443 (DLC), 2022 WL 16849451, but where (1) plaintiff has sued co-defendants who do not have a right to arbitration and whose cases will proceed before this Court, and (2) those co-defendants have impleaded Daily Harvest, the following procedures shall apply:

The plaintiff shall have the right to pursue discovery from Daily Harvest to the extent that plaintiffs have been permitted to take such discovery in related actions where Daily Harvest has no right to enforce arbitration.

Daily Harvest shall have the right to take discovery of the plaintiff to the extent that it has been permitted to take such discovery in related actions where Daily Harvest has no right to enforce arbitration.

Dated: New York, New York
April 21, 2023



DENISE COTE
United States District Judge